



Commonwealth
of Massachusetts

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Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108

Advisory Opinion

February 8, 2000
AO-00-02

Mark White, Executive Director
Massachusetts Democratic Party
129 Portland Street, Suite 301
Boston, MA 02114

Re: Lobbyist Contributions to Party's Federal Account

Dear Mr. White:

This letter is in response to your January 27, 2000 letter requesting an advisory opinion. You have asked a question regarding the application of the Massachusetts campaign finance law to certain contributions by legislative agents.

Question: Does the Massachusetts campaign finance law limit the amount a legislative agent¹ may contribute to the federal account of a Massachusetts state party committee?

Answer: No.

Discussion: M.G.L. c. 55, the campaign finance law, provides that "the aggregate of all contributions by a legislative or executive agent to any . . . political committee, other than a ballot question committee, shall not exceed the sum of two hundred dollars in any one calendar year." M.G.L. c. 55, s. 7A(b). By definition, the term political committee includes a political party committee. M.G.L. c. 55, s.1.

This office has previously addressed whether M.G.L. c. 55, s. 10A, restricting the "bundling" of contributions by legislative and executive agents and others, applies to federal campaign finance activity. See OCPF Advisory Opinion AO-96-10. In that opinion, we noted that it was the office's long standing

¹ M.G.L. c. 55, s. 1 defines the terms legislative and executive agents by reference to the definitions set forth in M.G.L. c. 3, s. 39. Although you specifically asked about legislative agents, the campaign finance law and therefore this opinion treats legislative and executive agents similarly.

opinion that the definition of "candidate" in M.G.L. c. 55, s. 1 and the provisions of the campaign finance law governing a candidate's campaign finance activity do not generally apply to federal office. See also OCPF interpretive bulletin IB-82-01. In AO-96-10, the office stated:

While the term "public office" is ambiguous and could, therefore, include federal as well as non-federal candidates, such an interpretation would not be consistent with the principle purpose of the office which is the regulation of campaign finance activity in Massachusetts elections. See Anderson v. City of Boston, 376 Mass. 178 (1978). In addition, such an interpretation would be subject to preemption by the Federal Election Campaign Act. See 2 USC s. 453 (which provides that the provisions of the Federal Election Campaign Act "supersede and preempt any provision of State law with respect to Federal office") and 11 CFR 108.7(b) and (c).

For the above reasons, the \$200 limitation on contributions by legislative and executive agents to political party and other committees, other than ballot question committees, does not apply to contributions made to the federal account of a political party committee or to any other federal political committee. As you are aware, however, federal law may limit such contributions. If you have questions regarding the application of federal law, you should contact the Federal Election Commission.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55, the campaign finance law.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan
Director